

REMARKS

Claims

The Office Action dated April 19, 2005 rejected claims 1-26 based on U.S. Publication No. 2003/0172116 A1 to Curry *et al.* in view of U.S. Publication 2004/0172451 A1 to Biggs *et al.* In view of the following remarks, reconsideration and prompt early allowance are respectfully requested.

Rejections under 35 U.S.C. § 103(a)

Claims 1-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Curry *et al.* in view of Biggs *et al.* This rejection is respectfully traversed.

Applicant has submitted Appendix A along with a Declaration under 37 C.F.R. § 1.131 to overcome the Office Action's rejection under 35 U.S.C. § 103(a). The applicant swears behind the filing date of the Biggs reference, and can attest that the date of conception of the present invention was at least before the filing date of the Biggs reference. Appendix A demonstrates written evidence to support a date of conception at least before the filing date of the Biggs reference. The Office Action, therefore, can no longer maintain a valid rejection under 35 U.S.C. § 103(a) as the Biggs reference does not qualify as prior art.

As explained above, Curry and Biggs in combination fail to present applicable prior art in order to maintain a valid rejection upon claims 1-26. Accordingly, withdrawal of the rejection of these claims under 35 U.S.C. §103 is respectfully requested.

CONCLUSION

Applicant has duly considered the rejections of claims 1-26 in the Office Action, and responded by the foregoing amendments and remarks. Applicant has thereby even further distinguished the pending claims from the art of record. Applicant therefore respectfully requests timely entry of this Amendment and passing of this application to issue. Should however any issues remain before issuing this application, the Examiner is urged to contact the undersigned to resolve the same. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112 referencing Attorney Docket No. MFCP.108796.

Respectfully submitted,

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Monplaisir Hamilton
Reg. No. 54,851

SHOOK, HARDY & BACON L.L.P.
2555 Grand Boulevard
Kansas City, Missouri 64108
Phone: (816) 474-6550